

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,971	06/23/2000	H. Brock Kolls	BK-020-04	1565
23122	7590	08/11/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 08/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,971

Applicant(s)

KOLLS, H. BROCK

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16, 18, 19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16, 18, 19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/31/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8, 10-16, 18, 19, 22 and 23 have been examined. Application 09/602,971 (Internet based network for automotive applications including the facilitation of e-commerce and e-business, and management of wireless connectivity with vehicles) has a filing date 06/23/2000.

Response to Appeal Brief

2. In response to Final Office Action dated 03/09/2004, the Applicant filed an Appeal Brief. In view of the Appeal Brief filed on 03/11/2005, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3622

Claims 1-8, 10-16, 18, 19, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Spaur (US 5,732,074).

As per claims 1 and 13, Spaur teaches:

A network system for effectuating data communication between a vehicle and a data processing resource, said system comprising:

an in-vehicle device (see figure 1, items 50a-50n) installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface (see figure 2, item 82); and

an Internet appliance, said Internet appliance having:

a second wireless network connectivity interface (see figure 2, item 76), said second wireless network connectivity interface data communicates with said first wireless network connectivity interface (see figure 2, "air link") ; and

a plurality of communication interfaces, said plurality of communication interfaces (see figure 1, item 14) communicate data between said second wireless network connectivity interface and said data processing resource (see figure 1, items 10a-10n) to effectuate data communication between said in-vehicle device and said data processing resource (see column 14, lines 1-40).

As per claims 2 and 14, Spaur teaches:

The network system in accordance with claim 1, wherein said Internet appliance further comprises:

a wireless data connection, said wireless data connection effectuates a data connection with a wireless device (see figure 1, item 18).

Art Unit: 3622

As per claims 3 and 15, Spaur teaches:

The network system in accordance with claim 2, wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface (see figure 1, item 20);

said wireless device interface (see figure 1, item 22);

a wireless modem interface (see figure 1, item 16);

a wireless phone interface (see figure 2, item 76); or

a wireless data link (see figure 2, item "airlink").

As per claims 4 and 16, Spaur teaches:

The network system in accordance with claim 2, wherein said wireless device is at least one of the following:

a wireless phone (see figure 2, item 80);

a personal data assistant (see column 10, lines 1-5);

a pager;

a personal computer (see column 10, lines 1-5);

an Internet appliance (see figure 2, item 80, 76); or

a programmable storage device.

As per claim 5, Spaur teaches:

The network system in accordance with claim 1, wherein said in-vehicle device further comprises:

a wireless data connection, said wireless data connection effectuates a data connection with a wireless device (see figure 2, item "airlink").

As per claim 6, Spaur teaches:

The network system in accordance with claim 5, wherein said wireless data connection includes at least one of the following:

- a wireless transceiver interface (see figure 1, item 22);
- said wireless device interface (see figure 1, item 22);
- a wireless modem interface (see figure 1, item 16);
- a wireless phone interface (see figure 2, item 80); or
- a wireless data link (see figure 2, item "airlink").

As per claim 7, Spaur teaches:

The network system in accordance with claim 5, wherein said wireless device is at least one of the following:

- a wireless phone (see figure 2, item 80);
- a personal data assistant (see column 10, lines 1-5);
- a pager;
- a personal computer (see column 10, lines 1-5);
- an Internet appliance (see figure 2, item "internet"); or
- a programmable storage device.

As per claim 8, Spaur teaches:

The network system in accordance with claim 1, wherein said plurality of communication interfaces includes at least one of the following communication interface types:

- a wired data link (see column 4, lines 37-41);

Art Unit: 3622

- a wide area network connection (see column 4, lines 37-42);
- a network connection (see figure 1, item 14);
- a universal serial bus port;
- a personal data assistant interface (see column 10, lines 1-5);
- an RS232 interface (see column 4, lines 37-42);
- an RS485 interface;
- a carrier current interface;
- a network connection to the Internet (see figure 2, item 68);
- a modem interface (see figure 2, item 76);
- a wireless modem interface (see figure 2, item 76);
- a wireless phone transceiver;
- a wireless phone interface (see figure 1, item 22);
- a wireless data link (see figure 1, item "airlink"); or
- a local area network interface (see column 4, lines 37-42).

As per claim 10, Spaur teaches:

The network system in accordance with claim 1, wherein said data processing resource is one of the following:

- a global network data processing resource (see figure 1, item 10a);
- a global network server (see figure 1, item 14);
- a global network application server (see figure 1, item 14);
- a global network database (see figure 1, item 14);
- a virtual private network

Art Unit: 3622

- an emergency monitoring network (see column 9, lines 25-30);
- a second communication interface device (see figure 1, item 50b);
- a second in-vehicle device (see figure 1, item 50b);
- a personal computer (see column 10, lines 1-5);
- a wireless phone (see figure 2, item 80);
- a personal data assistant (see column 10, lines 1-5);
- a pager;
- a pocket sized personal computer (see column 10, lines 1-5);
- a programmable storage device; or
- an Internet appliance (see figure 2).

As per claim 11, Spaur teaches:

The network system in accordance with claim 1, wherein said plurality of communication interfaces data communicate by at least one of the following:

- a wireless connection (see column 2, lines 45-55);
- a wired connection (see column 4, lines 37-44);
- a personal data assistant interface (see column 10, lines 1-5);
- a wireless phone interface (see figure 1, item 22);
- an RS232 serial interface (see column 4, lines 37-42);
- an RS485 interface;
- a USB port interface;
- an ethernet connection (see column 4, lines 37-44);
- a TCP/IP type network connection (see column 3, lines 1-5);

a PPP type network connection;
a SLIP type network connection;
a socket layer network connection;
BLUETOOTH protocol or standard; or
WIRELESS APPLICATION PROTOCOL or standard (see figure 1, item 16).

As per claim 19, Spaur teaches:

A method of data communicating between an in-vehicle device installed in a vehicle and a data processing resource, said method comprising:

a) communicating a plurality of digital content wirelessly between an in-vehicle device (see figure 1, items 50a-50n) and an Internet appliance (see figure 1, item 18) ;

b) routing said plurality of digital content from said Internet appliance to said data processing resource (see figure 1, item 10a);

c) determining at said data processing resource a plurality of return digital content responsive at least in part to said plurality of digital content (see column 14, lines 1-40);

d) routing said plurality of return digital content to said Internet appliance (see column 14, lines 1-40); and

e) communicating said plurality of return digital content wirelessly between said Internet appliance and said in-vehicle device for at least one of display within the vehicle or modification of a function of the vehicle (see column 14, lines 1-40).

As per claim 22, Spaur teaches:

The method in accordance with claim 19 wherein, said communicating said plurality of digital content wirelessly step comprises the step of:

communicating a plurality of digital content wirelessly between an in-vehicle device and an Internet appliance physically located at a store display accessible by a customer (see figure 1, item 10a-10n).

As per claim 23, Spaur teaches:

The global network based data processing system in accordance with claim 13, wherein said data processing resource is a global network based data processing resource (see figure 1, item 14).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spaur (US 5,732,074) in view of Colson (US 6,181,994).

As per claims 12 and 18, Spaur teaches:

The network system in accordance with claim 1, but fails to teach wherein said internet appliance is physically located at a store display, accessible by a customer. However, Colson teaches a system that delivers diagnostic information from a vehicle to a diagnostics service center upon request (see Colson column 1, lines 5-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

application was made, to know that Spaur would connect the vehicle diagnostic system (see Spaur column 9, lines 10-15) to a diagnostic center for purpose of servicing said vehicle, as taught by Colson. This feature would avoid the need for a vehicle to visit a diagnostic center when said vehicle is experiencing operational problems.

Response to Arguments

5. Applicant's arguments filed 03/11/2005 have been fully considered but they are not persuasive. The Applicant argues that Spaur does not teach an Internet appliance. The Examiner answers that Applicant's specification teaches in page 13, lines 15-20 "An Internet appliance can be a COM device 100 or can include a COM device 100 as part of the Internet appliance 322 embodiment". Spaur teaches communication devices (see Spaur figure 2, items 76, 80, 82) that wirelessly permit the transmission and receiving of data Internet between in-vehicle devices (see Spaur figure 1, items 50a-50n) and data processing resources (see Spaur figure 1, items 10a-10n) via the Internet, similar to Applicant's claimed invention.

The Applicant argues that Spaur does not teach data processing resources that determines return of digital content responsive to the digital content. The Examiner answers that Spaur teaches that computer terminal 60, which acts as the data processing resources, routes the information to the Internet appliance.

The Applicant argues that Spaur teaches adjusting or affecting a vehicle device with returned content, rather than the display of returned digital content or modification of a function of the vehicle. The Examiner answers that claim 19 recites "communicating said plurality of return digital content wirelessly between said internet appliance and

Art Unit: 3622

said in-vehicle device for at least one of display within the vehicle or modification of a function of the vehicle". Spaur teaches in column 14, lines 32-40 "the sending of information to the vehicle for adjusting or otherwise affecting the vehicle device that provided the data for analysis". Therefore, Spaur teaches the Applicant's claimed invention.


All claims must be listed even, if cancel or not entered. Canceled claims and not entered claims may only have a "canceled" or "not entered" status identifier after the claim number. The text must ^{not} be supplied (37 CFR 1.121).

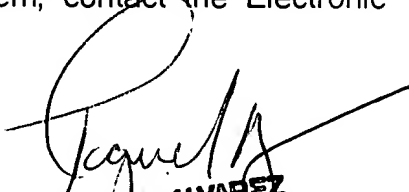
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Daniel Lastra
July 27, 2005


RAQUEL ALVAREZ
PRIMARY EXAMINER